

# Executive Document

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## **Governor, Administration: Governor's Executive Order 2006-0001: Creating the Utah Developmental Disabilities Council**

Issued: April 5, 2006

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### EXECUTIVE ORDER

#### Creating the Utah Developmental Disabilities Council

WHEREAS, Congress has stated its desire to assure that individuals with developmental disabilities and their families participate in the design of and have access to needed community services, individualized supports, and other forms of assistance that promote self-determination, independence, productivity, and integration and inclusion in all facets of community life;

WHEREAS, Public Law 106-402 (2000), the Developmental Disabilities Assistance and Bill of Rights Act, requires the Governor to designate a state council on services and facilities for individuals with developmental disabilities and requires representation on this Council from certain classifications of individuals, specifying responsibilities for this Council;

NOW, THEREFORE, I, Jon Huntsman, Jr., Governor of the State of Utah, by virtue of the power vested in me by the Constitution and the Laws of the State, hereby constitute a Council to be known as the Utah Developmental Disabilities Council, and hereby appoint the following persons to that Council:

(1)(a) the Director of Special Education, representing the State Office of Education or their designee;

(b) the Director of the Division of Health Care Financing within the Department of Health, representing the Title XIX agency under the Social Security Act or their designee;

(c) the Director of Community and Family Health Services within the Department of Health, representing the Title V agency under the Social Security Act or their designee;

(d) the Director of the University Center for Excellence in Developmental Disabilities or their designee;

(e) the Director of the State Office of Rehabilitation, representing Vocational Rehabilitation or their designee;

(f) the Director of the Division of Services for People with Disabilities within the Department of Human Services, representing the State Developmental Disabilities Program or their designee;

(g) the Director of the Division of Aging and Adult Services within the Department of Human Services, representing the Older Americans Act Program or their designee;

(h) the Director of the Protection and Advocacy System or their designee;

(2) Members specified in Section (1) serving on the Council shall serve so long as they occupy the indicated position in state government. If their employment in state government in the indicated capacity is terminated, their membership on the Council shall automatically be terminated.

(3) Additional citizen members shall be appointed by the Governor in accordance with Public Law 106-402. These members shall be constituted as follows:

(a) At least sixty percent of the entire Council shall consist of individuals with developmental disabilities, parents or guardians of children with developmental disabilities, or immediate relatives or guardians of adults with mentally impairing developmental disabilities.

(b) Of the sixty percent indicated in Subsection (3)(a), at least one-third shall be individuals with developmental disabilities, at least one-third shall be parents or guardians or immediate relatives of children or adults with mentally impairing developmental disabilities, at least one-third shall be a combination of individuals described in Subsection (3)(a) and at least one shall be an immediate relative or guardian of an institutionalized or previously institutionalized individual with a developmental disability.

(c) Two members may be invited to be members of the Council from the Utah State Legislature, one from each House appointed respectively by the Speaker of the House and the President of the Senate.

(4) The citizen members of the Council shall be appointed for a presumptive term of three years, and may be reappointed for one succeeding three year term.

(5) The Council members shall appoint the Chairperson of the Council from among its members. All members of the council are eligible for appointment as chairperson. The Council may provide for the election of a vice-chair.

(6) The Council may recommend to the Governor names of candidates to fill vacancies on the Council. Appointments will at all times assure that the membership meets the requirements specified above.

IT IS FURTHER ORDERED that the primary functions of the Council, as outlined in Public Law 106-402, shall be as follows:

(1) To advocate for the collective needs of people with developmental disabilities, especially for those with the most significant developmental disabilities.

(2) To facilitate the coordination of services and to plan for people with developmental disabilities.

(3) To identify deficiencies in the statewide service network for people with

developmental disabilities and establish and implement initiatives for improving that network.

(4) To monitor the range, scope, and size of state agency programs and evaluate their effectiveness in meeting the needs of people with developmental disabilities, and to make recommendations for changes to better meet the needs of people with developmental disabilities.

(5) To assess the needs of and recommend programs for people with developmental disabilities to the State Office of Rehabilitation, the State Office of Education, the state Department of Human Services, the state Department of Health, and other departments of state government.

(6) To develop and implement the Developmental Disabilities State Plan with input from people with disabilities and their families throughout the state of Utah.

(7) To educate and inform the Governor and the Legislature regarding matters of policy or budget which may require executive or legislative action in order to promote the quality of life and guarantee the rights and dignity of people with developmental disabilities.

(8) To issue reports to the governor, the Legislature, agencies of state government, and the Secretary of Health and Human Services, as appropriate.

(9) To meet at least quarterly; additional meetings may be held based on the call of the chairperson or by request by a majority of the members of the council. The Council shall adopt procedures not inconsistent with this executive order or federal or state law or regulation to govern its activities. The Council may recommend for the Governor's consideration a redefinition of the Council functions as they become apparent through Council deliberation.

IT IS FURTHER ORDERED that as a "public body" as defined in UCA 52-4-2(3), the Council shall comply with the state Open and Public Meetings Act; as a "governmental entity" as defined in UCA 63-2-103(10), the Council shall comply with the Government Records Access and Management Act; and as a "state agency" as defined in UCA 63-56-105 (29) responsible for the expenditure of public funds, the Council shall comply with the Utah Procurement Code.

IT IS FURTHER ORDERED that staff support for the Council shall be provided from funds made available to the state from the Developmental Disabilities Assistance and Bill of Rights Act, together with other state funds as appropriated.

IT IS FURTHER ORDERED that the Executive Order issued on April 3, 2001, is hereby superseded.

IN WITNESS, WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah this 5th day of April, 2006.

(State Seal)

Jon M. Huntsman, Jr.

Governor

ATTEST:

Gary R. Herbert  
Lieutenant Governor

2006-0001

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